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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	<u>COMPLAINT</u>
	:	
Plaintiff,	:	VIOLATIONS: 2:20mj336 PMW
	:	
vs.	:	SEALED
	:	
CECIL VIJIL,	:	
	:	
Defendant.	:	Count I: 18 U.S.C. § 111(a)(1), Assault on a Federal Officer,
	:	
	:	Count II: 18 U.S.C. § 924(c)(1)(A), Discharging a Firearm During and in Relation to a Crime of Violence.
	:	
	:	Chief Magistrate Judge Paul M. Warner

Before the Honorable Paul M. Warner, United States Chief Magistrate Judge for
the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1
18 U.S.C. § 111(a)(1)
(Assault on a Federal Officer)

On April 30, 2020, in the Central Division of the District of Utah,

CECIL VIJIL,

the defendant herein, did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in 18 U.S.C. § 1114, specifically, a Federal Bureau of Investigations Special Agent, while the officer was engaged in and on account of the performance of official duties, by means and use of a dangerous weapon, to wit a firearm; all in violation of 18 U.S.C. §§ 111(a)(1) and 111(b).

COUNT II

**Discharge of a Firearm During and in Relation to a Crime of Violence
(18 U.S.C. § 924(c))**

On or about April 30, 2020, in the Central Division of the District of Utah,

CECIL VIJIL,

the defendant herein, did knowingly use, carry, brandish, and discharge a firearm during and in relation to a crime of violence, to wit unlawful Assault on a Federal Officer as alleged in Count I of the present Complaint, which is incorporated by reference herein; all in violation of 18 U.S.C. § 924(c)(1)(A).

This complaint is made on the basis of investigation consisting of the following:

Complainant, Federal Bureau of Investigation Supervisory Special Agent Eric Lerohl, being duly sworn, hereby states:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been for over 19 years. During my law enforcement career, I have investigated and assisted in the investigation of dozens of violations of the laws of the United States. I am currently assigned to the Provo Resident Agency of the Salt Lake City Field Office. I am currently the Supervisory Special Agent overseeing the Monticello Resident Agency of the FBI, which is responsible for investigating various federal crimes with a focus on certain felonies committed on and around the Navajo Indian Reservation. In the course of my law enforcement career, I have personally investigated and/or assisted with investigations of a variety of crimes to include various types of fraud, violent crimes, firearms offenses, sexual assaults, homicides, and drug investigations. I have also authored and been involved with tribal, state and federal search warrants.
2. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

Conversations are set forth below in substance unless noted. The information detailed in this affidavit is based on your Affiant's training, experience, and

knowledge of this investigation. Dates and times are approximate.

4. The statements in this affidavit are based, in part, on information provided by law enforcement officers assigned to other law enforcement agencies, other special agents and employees of the FBI, and information and evidence obtained personally by your Affiant.
5. Since this affidavit is being submitted for the limited purpose of securing a Complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.
6. On April 30, 2020, FBI Special Agent Rachel Butler went to interview CECIL VIJIL at his resident. Special Agent Butler arrived at the residence in a marked San Juan County Sherriff's vehicle, along with a San Juan County Sherriff's Deputy. VIJIL was suspected of shooting an AR style rifle at a store in Mexican Hat, Utah, earlier that day.
7. Special Agent Butler and the San Juan County Sherriff's Deputy arrived at the residence at approximately 3:20 P.M. on April 30, 2020. Upon opening door of the marked law enforcement vehicle, Special Agent Butler observed the head and face of a man, later identified as CECIL VIJIL, briefly appear from behind the residence. Special Agent Butler observed the individual immediately withdraw back behind the residence.

8. Alerted by VIJIL's movement, Special Agent Butler and the sheriff's deputy remained in their vehicle so as to have cover in the event of gunfire. Within seconds, VIJIL reappeared from behind the residence armed with an AR-style rifle. VIJIL fired multiple rounds from the rifle in the direction of Special Agent Butler and the vehicle she was in. The firearm was pointed at Special Agent Butler when being fired by VIJIL.
9. Upon seeing the brandished rifle and experiencing the gunshots being fired in their direction, Special Agent Butler and the San Juan County Deputy moved the vehicle to create tactical distancing and cover from the incoming gunfire.
10. As the vehicle was retreating, Special Agent Butler saw VIJIL reposition himself and his firearm to a fencepost so as to secure a better platform for firing his rifle. Special Agent Butler sensed she was in personal danger and believed she was about to be shot.
11. Special Agent Butler and the sheriff's deputy retreated away from the residence and immediately reported the incident.
12. Special Agent Butler reviewed photographs of CECIL VIJIL and identified the shooter at the residence as VIJIL.
13. Based on the aforementioned facts, I believe that there is probable cause that VIJIL committed the offense of Assault on a Federal Officer, in violation of 18 U.S.C. §§ 111(a)(1) & (b), and Discharge of a Firearm During and in Relation to a Crime of


Violence 18 U.S.C. § 924(c)(1)(A).

I swear that this information is true and correct to the best of my knowledge, information, and belief.

DATED this 30th day of April 2020.


/S/ Eric Lerohl
Eric Lerohl
Special Agent Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 30th day of April, 2020.


PAUL M. WARNER
Chief United States Magistrate Judge
District of Utah

APPROVED:

JOHN W. HUBER
United States Attorney


MICHAEL J. THORPE
Assistant United States Attorney